

Judge Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN FARRELL,

Defendant.

NO. CR15-029RAJ

JOINT MOTION TO CONTINUE TRIAL

The United States of America, by and through Annette L. Hayes, Acting United States Attorney for the Western District of Washington, and Thomas M. Woods, Assistant United States Attorney for said District, and Defendant, Brian Farrell, by and through his counsel, Peter Avenia, hereby move the Court to continue the trial until November 30, 2015.

Trial in this case is scheduled for August 17, 2015. There are two reasons why a three month continuance is needed in this case. First, Mr. Farrell's counsel is retiring just prior to the trial date in this case. His new counsel, Peter Avenia, will require time to review the discovery in this case, and otherwise be prepared to handle the case. Second, the government and the defense met recently to discuss a potential discovery issue, which, despite the diligence of the government, will take some time to resolve, given the need to confer with multiple Department of Justice components in Washington, D.C.

1 In light of these circumstances, the parties submit that the failure to grant a
 2 continuance would deny counsel the reasonable time necessary for effective preparation,
 3 taking into account the exercise of due diligence, within the meaning of 18 U.S.C. §
 4 3161(h)(7)(B)(iv). The parties also believe that the failure to grant a continuance of the
 5 trial date would result in a miscarriage of justice, 18 U.S.C. § 3161(h)(7)(B)(i). Finally,
 6 the parties believe that the ends of justice will be served by ordering a continuance in this
 7 case, that a continuance is necessary to ensure adequate time for effective case
 8 preparation, and that these factors outweigh the best interests of the public and the
 9 Defendant in a speedy trial.

10 Farrell will be filing Speedy Trial waiver with the Court. He has been advised of
 11 his Speedy Trial rights and is willing to waive those rights.

12 Accordingly, the parties request that the Court continue the case until November
 13 30, 2015.

14 DATED this 30th day of July, 2015.

15 Respectfully submitted,

16 ANNETTE L. HAYES
 17 United States Attorney
 18

19 /s/ Thomas M. Woods
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 21 Assistant United States Attorney
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24 /s/ Peter Avenia
 25 PETER AVENIA
 26 Attorney for Brian Farrell
 27 Per email authorization
 28

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via telefax.

/s/ Salee Porter
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